

1992

# State of Utah v. Tracy Eugene Smith : Unknown

Utah Supreme Court

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OFFICE OF THE ATTORNEY GENERAL

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UTAH SUPREME COURT

BRIEF



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September 3, 1993

Geoffrey J. Butler  
Clerk of the Court  
Utah Supreme Court  
332 State Capitol Bldg.  
Salt Lake City, Utah 84114

Re: State v. Smith, case no. 920141

Dear Mr. Butler:

In reviewing the State's brief in State v. Smith, scheduled for oral argument on Wednesday, September 8th, at 1:30 pm, I noticed an inaccuracy in the Statement of the Case that I would like corrected for the Court.

On page 2 of the State's brief, please replace the third full paragraph with the following paragraph:

On December 4, 1991, defendant filed a motion to withdraw guilty plea and a supporting memorandum in the trial court (R. 100-13). On February 24, 1992, in a memorandum opinion, the trial court denied defendant's motion to withdraw guilty plea (R. 150-54). Defendant then filed the notice of appeal for the case currently before this Court. Subsequently, on December 4, 1992, defendant filed a petition for writ of habeas corpus in this Court, alleging ineffective assistance of counsel during sentencing. On January 5, 1993, this Court referred the habeas corpus petition to the Third District Court, where it is currently pending (Addendum A).

Thank you for correcting this paragraph. I apologize for any inconvenience this may cause you or the members of the Court.

Sincerely,

JOANNE C. SLOTNIK  
Assistant Attorney General

JCS:jn